

American Renaissance

There is not a truth existing which I fear or would wish unknown to the whole world.

— Thomas Jefferson

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The Wichita Massacre

The crime—and motive—the media ignored.

by Stephen Webster

On September 9, Reginald Carr and his brother Jonathan go on trial for what has become known as the Wichita Massacre. The two black men are accused of a week-long crime spree that culminated in the quadruple homicide of four young whites in a snowy soccer field in Wichita, Kansas. In all, the Carr brothers robbed, raped or murdered seven people. They face 58 counts each, ranging from first-degree murder, rape, and robbery to animal cruelty. Prosecutors will seek the death penalty.

The only survivor of the massacre is a woman whose identity has been protected, and who is known as H.G. In statements to police and in testimony at an April 2001 preliminary hearing, the 25-year-old school teacher offered horrible details of what happened on the night of Dec. 14, 2000. That evening, a Thursday, H.G. went to spend the night at the home of her boyfriend, Jason Befort. Mr. Befort, 26, a science teacher and coach at Augusta High School, lived in a triplex condo with two college friends: Bradley Heyka, 27, a financial analyst, and Aaron Sander, 29, who had recently decided to study for the priesthood.

When H.G. arrived with her pet schnauzer Nikki around 8:30 p.m., her boyfriend Mr. Befort was not there, but the two roommates were. A short time later, Mr. Sander's former girlfriend, Heather Muller, a 25-year-old graduate student at Wichita State University who worked as a church preschool teacher, joined them. At about 9 p.m., H.G. went to her boyfriend's ground-floor bedroom to grade papers and watch television. Mr. Befort came home from coaching a

basketball practice around 9:15, and at 10:00, H.G. decided to go to bed. Before joining H.G. in bed, Mr. Befort made



Jonathan (left) and Reginald Carr.

sure all the lights in the house were turned off and all the doors were locked. Mr. Sander was sleeping on a couch in the living room while his former girlfriend slept in the second ground-floor



Four of their victims. Clockwise from top left: Jason Befort, Heather Muller, Aaron Sander, Bradley Heyka.

bedroom. Mr. Heyka slept in a room in the basement.

Shortly after 11 p.m., the porch light came back on, to the surprise of Mr. Befort, who was still awake. H.G. says that seconds later she heard voices, then

shouting. Her boyfriend cried out in surprise as someone forced open the door to the bedroom. H.G. saw "a tall black male standing in the doorway." She didn't know how the man got into the house, and police investigators have not said how they think the Carrs got in. She says the man, whom she later identified as Jonathan Carr, ripped the covers off the bed. Soon, another black man brought Aaron Sander in from the living room at gunpoint and threw him onto the bed. H.G. saw that both men were armed. She said they wanted to know who else was in house, and the terrified whites told them about Mr. Heyka in the basement and Miss Muller in the other ground-floor bedroom. The intruders brought them into Mr. Befort's bedroom.

"We were told to take off all of our clothes," says H.G. in her testimony. "They asked if we had any money. We said: 'Take our money . . . Take whatever you want.' We didn't have any (money)."

The Carrs, however, were not at that point interested in money. They made the victims get into a bedroom closet, and for the next hour brought them out to a hall by a wet bar, singly or in pairs for sex. In the closet—perhaps 12 feet away from the wet-bar area—the victims were under orders not to talk. H.G. says that when the Carrs heard whispering they would wave their guns and shout "Shut the fuck up."

The Carrs first brought out the two women, H.G. and Heather Muller, and made them have oral sex and penetrate each other digitally. They then forced Mr. Heyka to have intercourse with H.G. Then they made Mr. Befort have intercourse with H.G., but ordered him to stop when they realized he was her boyfriend. Next, they ordered Mr. Sander to have intercourse with H.G. When the divinity student refused, they hit him on the back of the head with a pistol butt. They

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Letters from Readers

Sir — I was deeply impressed by the breadth and depth of Richard Lynn's scholarship in his article about racial differences in psychopathic behavior. It appears to me that he has certainly found the reason why people of different races behave differently even when IQ is controlled for. Taken in combination with average intelligence, psychopathic tendencies surely explain essentially all the racial differences in outcomes that anguish the liberals. Imagine all the hand-wringing, head-scratching, and breast-beating that would stop if the country would simply accept the facts as Prof. Lynn presents them. Prof. Lynn's research is original and hugely important, but in today's climate would be recognized as such only if he were to find personality differences that reflect badly on whites.

Peter Greene, Boise, Idaho

Sir — Prof. Lynn's article on psychopathic personality reminds me of a conversation I had years ago. Our city has a recycling program, and issues all households three plastic tubs: one for newspapers, one for glass, and one for cans. When the system was first established, a few of my neighbors grumbled a little about having to sort trash, but soon everyone got into the habit and, I think, was glad to be recycling.

Once, on a hunch, I asked the men on the recycling truck on my route how well the blacks in Smoke Town were sorting their trash. They told me recycling was a complete failure in black neighborhoods. They said blacks use the tubs for laundry or as beer coolers, or just throw them away. All the recycling

men wanted routes on black streets because so few people put out their tubs they almost never had to stop the trucks.

Much as I admire Prof. Lynn's article nothing in it surprised me.

Name Withheld, Louisville, Ky.

Sir — I was surprised by Stephen Webster's conclusion in his article about the California Racial Privacy Initiative, namely, that whites should oppose it because it will make it harder to collect information about the costs and deviance of non-whites [the initiative would forbid collection by the state of almost all race-related statistics]. The information no longer available from California would be available from other states, and could be assumed to apply to California as well. If Hispanics in Texas, say, are three times more likely than whites to commit violent crimes, the same is likely to be true of Hispanics in California.

At the same time, it is possible whites might gain from the initiative. If there were no official statistics on how many Hispanic lawyers there are in the state, it would be harder for La Raza to claim that "the race" was underrepresented in judicial appointments, for example. If there are no statistics on the number of blacks in the schools, it will be hard for blacks to claim they are not getting into honors programs and gifted programs as often as they deserve. The natural differences in outcome that stem from racial inequalities will be harder to uncover, making it more difficult to demand government intervention.

Over the years I think I have detected in AR an opposition to uniformity and centralized power. From that perspective alone, you should be supporting any

initiative that gives one state a chance to conduct its business differently from other states. If the results are fairer for whites, let us try to pass similar measures elsewhere. If we never try something like the racial privacy initiative in at least one state we will never know if it is useful or harmful.

Arthur Church, Redwood City, Cal.

Sir — Richard Lynn's calm assessment of charlatan Stephen Jay Gould proves what many of us have long maintained—that the race issue, at its core, is not so much about graphs, charts, theories, and interpretations, as it is about truth vs. lies. If ever a moral issue existed in our civilization, this is it.

Kelly Nicholson, Draper, Utah

Sir — I was interested to learn in an O Tempora item that according to one school teacher, black students caught in an infraction are likely to turn aggressive, whereas whites submit quietly to reproof. Surely, this difference continues into adulthood and explains why so many blacks have violent encounters with the police. I suspect black criminals are considerably more likely than whites to resist, swear, run away, or try to steal an officer's weapon when they are caught, and this, rather than police misbehavior, explains a great deal.

I suspect also that most whites, deep down, know there are racial differences of this kind, but that in public they must pretend otherwise. I believe the knowledge that would change racial thinking lies just below the surface, waiting for some dramatic event or charismatic spokesman to bring it into the open.

Anne Edelman, Charlotte, N.C.

Sir — I was fascinated by your account of Dwight York and his Nuwaubian Nation of Moors. He was obviously a sociopath and a pervert, but you have to credit him for energy and organization. Inventing languages and religions isn't easy, nor is maintaining the loyalty of hundreds of acolytes.

Why are there no 473-acre communities of American racial nationalists working together, homeschooling their children, and shutting out the poisonous "mainstream?" If crazy blacks can do it, why can't sane whites?

A. Todorov, Bucharest, Romania.



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sent H.G. back to the bedroom closet and brought out Miss Muller, Mr. Sander's old girlfriend. H.G. testified she could hear what was going on out by the wet bar, and when Mr. Sander was unable to get an erection one of the Carrs beat him with a golf club. Then, she says, the Carr brothers "told [Aaron] that he had until 11:54 to get hard and they counted down from 11:52 to 11:53 to 11:54." The deadline appears to have brought no further punishment, and Mr. Sanders was returned to the closet. The Carrs then forced Mr. Befort to have intercourse with Heather Muller, and then ordered Mr. Heyka to have sex with her. H.G. says she could hear Miss Muller moaning with pain.

The Carrs asked if the victims had ATM cards. Reginald Carr then took the victims one at a time to ATM machines in Mr. Befort's pickup truck, starting with Mr. Heyka. While Reginald Carr was away with Mr. Heyka, Jonathan Carr brought H.G. out of the closet to the wet bar, raped her, and sent her back to the closet. Reginald Carr returned with Mr. Heyka, and ordered Mr. Befort to go with him. Mr. Heyka was put back in the closet but said nothing about his trip to the ATM machine. Mr. Sander asked Mr. Heyka if they should try to resist, assuming they would be killed anyway, but Mr. Heyka did not reply. While Reginald Carr was away with Mr. Befort at the cash machine, Jonathan Carr ordered Heather Muller out of the closet and raped her.

When Reginald Carr returned with Mr. Befort, H.G. volunteered to go next. Mr. Carr let her put on a sweater, but nothing else, and said he liked seeing her with no underwear. He ordered her

to drive the truck to a bank, and told her not to look at him as he crouched in the back seat. "I asked him if he was going to hurt us and he said, 'No,'" she says. "I said, 'Do you promise you're not going to kill us?'" and he said, 'Yes.' "

H.G. got money from the cash machine and adds, "On the way back, he said he wished we could've met under different circumstances. He said I was cute, and we probably would've hit it off." When the two got back to the house, Reginald Carr raped H.G. and ejaculated in her mouth. Jonathan Carr raped Miss Muller again, and then he raped H.G. one more time. Afterwards, the intruders ransacked the house looking for money. They found a coffee can containing an engagement ring Jason Befort had bought for his girlfriend. "That's for you," he told H.G., "I was going to ask you to marry me." That is how H.G. learned her boyfriend planned to propose to her the following Friday, Dec. 22.

At one point, says H.G., Reginald Carr "said something that scared me. He said 'Relax. I'm not going to kill you yet.' "

The Final Ride

The Carrs led the victims outside into the freezing night. At midnight it had been 17.6 degrees, and there was snow on the ground. The Carrs let the women wear a sweater or sweatshirt, but they were barefoot, and naked from the waist down. The men were marched into the snow completely naked. The Carrs tried to force all the victims into the trunk of Aaron Sander's Honda Accord, but realized five people would not fit, and made only the men get into the trunk.

Reginald Carr ordered H.G. to join him in Mr. Befort's truck, and Jonathan Carr drove the Accord with the three men in the trunk and Miss Muller inside. As Mr. Carr drove her off, H.G. noted the time: It was 2:07 a.m., three hours since the ordeal began.

After a short drive, both vehicles stopped in an empty field. Reginald Carr ordered H.G. to go sit with Miss Muller in Mr. Sander's car. A moment later, she saw the men line up in front of the Honda. In her testimony H.G. said, "I turned to Heather and said, 'They're going to shoot us.' "

The Carr brothers ordered H.G. and Miss Muller out of the car. Miss Muller stood next to Mr. Sander, her former boyfriend, while H.G. stood beside her boyfriend, Mr. Befort. The Carrs ordered them to turn away and kneel in the snow. "As I was kneeling, a gun shot went off," says H.G. "[Then] I heard Aaron [Sander]. . . . I could distinguish Aaron's voice. He said, 'Please, no sir, please.' The gun went off."

H.G. heard three shots before she was hit: "I felt the bullet hit the back of my head. It went kind of gray with white

"I rolled him over. There was blood squirting everywhere. He had blood coming out of his eyes."

like stars. I wasn't knocked unconscious. I didn't fall forward. Then someone kicked me, and I had fallen forward. I was playing dead. I didn't move. I didn't want them to shoot me again."

As H.G. lay in the snow, the Carrs drove off in Jason Befort's pickup, running over the victims as they left. H.G. says she felt the truck hit her body, too.

"I waited until I couldn't hear any more," she says. "Then I turned my head and saw lights going. I looked at everyone. Everyone was face down. Jason [Befort] was next to me. I rolled him over. There was blood squirting everywhere, so I took my sweater off and tied it around his head to try and stop it. He had blood coming out of his eyes."

In the distance, H.G. saw Christmas lights. Barefoot and naked, with a bullet wound in the head, she managed to walk more than a mile in the freezing cold, through snow, across a field and construction site, around a pond, and through the brush, until she reached the house with the lights. She pounded fran-

tically on the door and rang the doorbell until the young married couple who lived there woke up. "Help me, help me, help me," she pleaded. "We've all been shot. Three of my friends are dead." (At



The fifth murder victim: Linda Walenta.

the time, H.G. thought her boyfriend was still alive.)

The couple wrapped H.G. in blankets, and reached for the phone to dial 911, but she would not let them call. She was afraid she would die, and wanted to tell what had happened. She described the attackers and what they did, as the couple listened in amazement at her courage and determination. Only when she was sure they knew her story did she let them call the police. Still thinking she would die, she asked them to call her mother—"Tell her I love her"—and her boyfriend's parents. She was worried about the children she teaches, and kept wondering "Who's going to take care of the kids in school?"

When the police arrived they questioned H.G. briefly before paramedics took her to the hospital. From her description of Mr. Befort's truck, they were able to get the license plate number from the vehicle's registration records, and put out an alert. As dawn broke, radio and television stations were broadcasting the plate number.

H.G. did not know that after the Carrs shot her friends they drove back to the triplex and loaded Mr. Befort's truck with everything of value they could find. They also committed their final killing. The police found H.G.'s pet schnauzer Nikki lying in a pool of blood on a bed, probably shot.

By 7:30 a.m., police had a report that the missing truck was outside a downtown apartment building, and that a black man had been carrying a television set up to one of the apartments. The police moved in to seal off the area. Two officers knocked on the door of the

apartment, and after several minutes a white woman named Stephanie Donly opened the door. She was Reginald Carr's girlfriend, and shared her apartment with him. Police caught Mr. Carr as he tried to slip out a window.

The police learned from Miss Donly that Reginald's brother Jonathan was driving a late model Plymouth Fury. Shortly after 12:00 p.m. they found the car parked outside a house in a black part of town. Jonathan Carr was there with his girlfriend of a few days, Tronda Green. He bolted when he saw the police, but was caught after a short chase. Fewer than 12 hours after the murders, Reginald and Jonathan Carr were both in custody.

Other Victims

That night's quadruple murder was only the most gruesome of a series of Carr brother attacks. Late on the night of Dec. 7, 2000—just one week earlier—Andrew Schreiber, a 23-year-old white man, stopped at a Kum and Go convenience store in East Wichita. Reginald and Jonathan Carr forced themselves into his car at gunpoint and made Mr. Schreiber drive to various ATM machines and withdraw money. "I was just hoping if I did what they said, they'd let me live," he says. The two split up, and one followed in another car as they made him drive to a field northeast of town. There they pistol-whipped him, dumped him out of the car, and fled in the other vehicle after shooting out Mr. Schreiber's tires.

Four days later, the Carrs tried to hijack 55-year-old Linda Walenta's SUV while she sat in it in the driveway of her suburban East Wichita home. The Carrs were looking for an SUV in which to drive people at gunpoint to ATMs. They thought they could keep their victims out of sight in a large vehicle as they drove through town. One of the brothers approached Mrs. Walenta, apparently asking for help of some kind. She was suspicious because she thought a car had been following her, and rolled her window down just a little to hear what he was saying. He stuck a gun sideways into the opening, and shot her several times as she tried to drive away. Mrs. Walenta, a cellist in the Wichita Symphony Orchestra, survived the shooting but was paralyzed from the waist down. She was able to help police in their in-

vestigation, but died of her wounds three weeks later, on January 2, 2001.

Wichita police confirmed the Carr link to all the crimes when a highway worker found a black .380 caliber Lorcini semi-automatic handgun along Route 96, a highway near the soccer field where the massacre took place. The Kansas state crime lab confirmed that it was the weapon used to kill Mrs. Walenta and H.G.'s friends, and to shoot out the tires of Andrew Schreiber's car. No one knows what other crimes the brothers may have committed, but they certainly appeared guilty of these.

The Carr trial is scheduled to start on Sept. 9, but has been delayed by defense maneuvering. On June 13, Judge Paul Clark denied a motion to move the trial out of Sedgwick County. The defense cited a poll showing 74 percent of Sedgwick County residents thought the Carrs were either "definitely guilty" or "probably guilty," and argued the brothers could not get a fair trial in Wichita. However, no trial has been moved from Sedgwick County in more than 40 years, and this one will stay.

The defense wanted separate trials because the lawyers for each brother will

Why did five young whites kneel obediently in the snow, to be shot one by one?

try to blame the crimes on the other. The lawyers argued they will both be trying to help convict the other brother, so it will be like having two prosecutors for each defendant. Prosecutor Nola Foulston pointed out that many people accused of committing crimes together are tried together, and since the trial is expected to last a month and involve 70 witnesses, two trials would be too much expense and inconvenience.

Jonathan Carr's lawyers also tried to get him declared unfit to stand trial, but on April 8, 2002, Judge Clark reviewed the reports of two mental health experts, and ruled him competent. The reports are under seal, so the grounds for the motion are not known.

If the Carr brothers' lawyers do try to blame each other's client, the jury will learn that both have long criminal records. Jonathan Carr's appears to be under seal but at least parts of his brother's are public. In 1995, Reginald Carr was sentenced to 13 months in

prison for theft. He was also ordered to serve six months each for aggravated assault and subverting the legal process. In 1996, he was sentenced to 28 months on a drug charge. He was paroled on March 28, 2000, but that November was booked for drunk driving. A few days later he was back before a judge, charged with forgery and parole violation. Police mistakenly let him out six months early on Dec. 5, 2000, *just two days be-*



Where the three men lived.

fore he robbed and beat Andrew Schreiber, and started his week of crime. Had police followed correct procedures Jason Befort, Bradley Heyka, Aaron Sander, Heather Muller and Ann Walenta would probably still be alive.

"Has No Bearing"

Although the perpetrators are black and all their victims white, the Wichita police have dismissed race as a motive. Prosecutor Foulston says the Carr brothers chose their victims at random, not because they were white, and that the motive was robbery. "It reasonably appears that these were isolated incidents where individuals . . . were chosen at random . . . a random act of violence," she says. "The fact that the defendants and victims happen to be of different races has no bearing. Let's just look at the underlying crimes." The Wichita media consistently downplayed the racial angle.

However, as news of the crimes spread across the Internet, many people began to wonder if the Carrs would be charged with hate crimes. In fact, it does not appear that Mrs. Foulston or police investigators even looked for a possible racial motive. According to the testimony of the April 2001 preliminary hearing, in which prosecutors determined whether they had enough evidence to support charges, Mrs. Foulston never asked H.G. or Andrew Schreiber if the brothers used racial slurs, or expressed hatred of whites.

It is true that Reginald Carr had a white girlfriend, and it may be that the race of the victims was unimportant to him. At the same time, Jonathan Carr wore a FUBU sweatshirt, a brand popular with black rappers that is said to stand for "For Us, By Us." Some blacks wear FUBU clothing as a statement of black solidarity if not outright rejection of whites.

Louis Calabro of the European American Issues Forum (EAIF) and a former San Francisco police lieutenant, has written to Mrs. Foulston describing the FBI's guidelines for suspecting a hate crime when perpetrator and victim are of different races. Among them are excessive violence, a pattern of similar attacks, and the cold-bloodedness of an execution-style killing. Combined with the torture of forcing people naked into a freezing night, and the degradation the Carrs put their victims through, there is ample reason at least to suspect a racial motivation.

Of one thing we can be certain: If whites had done something this horrible to blacks, it would be universally assumed the crime was motivated by racial hatred. From the outset, police and prosecutors would have investigated the friends, habits, reading matter, and life history of each defendant. If either had ever uttered the word "nigger," had a drink with a Klansman, or owned a copy of *American Renaissance*, this would be discovered and brandished as proof of racial hatred. In the Carr case, there appears to have been no investigation at all. Instead of searching for possible racial animus, the authorities have simply declared there was none.

Mrs. Foulston dodges the racial question by pointing out that Kansas does not have a hate crime statute, but the state does specify harsher penalties for bias crimes. Given that the Carr brothers face the death penalty, this is a moot point, but Mrs. Foulston has made no attempt to apply these provisions.

Mrs. Foulston knows some whites are pushing for a hate crimes investigation, and wants to keep the proceedings secret. She moved to close the court for the preliminary hearings, saying "we'd have to let the Aryan Nations come in here if they decided they had an interest." At one hearing, reporters heard one of Mrs. Foulston's aides tell the judge that the press are "interlopers," and the public has no "substantial interest" in the case. Fortunately, Judge Clark rec-

ognizes the public's right to observe the proceedings, and opened them to the public. He did, however, agree to Mrs. Foulston's motion for a gag order on all lawyers, investigators and witnesses. The order also prevents release of many records that normally would be public, including the EMS records, the reports on Jonathan Carr's mental competence, and records of police interviews. Mrs. Foulston says secrecy is necessary to ensure the Carrs get a fair trial, but what is in notes of police interviews, for example, that is so inflammatory it could prejudice the public? Evidence of racial hatred, perhaps?

Mrs. Foulston did not ask for a gag order in the case of another quadruple homicide in Wichita just eight days before the Carr brothers' massacre. The DA's office says that case, in which murderers and victims were black, did not generate nearly as many requests for public records, but in an open society, the more interest the public shows in information the more available it should be. Mrs. Foulston's secrecy has led critics to accuse her of covering up evidence



Where the bodies were found.

of racial animus. EAIF's Mr. Calabro believes the assaults and murders "were racially motivated crimes that the DA and city of Wichita have no interest in pursuing." Del Riley, a white Wichita resident who has followed the case, says of his reaction to the DA's secrecy, "I wouldn't call it outrage, but I'd call it suspicion. This gag order upsets me."

Once again, we can be certain that if the racial cast of characters were reversed, there would be no attempt to close the court, and the media coverage—virtually absent in this case—would be deafening. A white-on-black crime of this kind would be front-page news for days, and would probably prompt prompt official condemnation from the President and Attorney General on down. As we know from the reaction to the murder of James Byrd, dragged to death behind a truck, a crime of this sort

committed by whites against blacks would put the nation into an official state of near hysteria.

What if the cast had been all-white? It would still have been national news. In 1959, drifters Dick Hickock and Perry Smith murdered the Clutter family in Holcomb, Kansas. Like the Wichita case, it was a home invasion, apparently motivated by robbery. Even without spectacular sexual cruelty, the Clutter killings were front-page news and the story was immortalized in Truman Capote's novel, *In Cold Blood*. Had the Wichita case involved whites only, the heroics of H.G. alone would have ensured wide coverage. She would have become a national hero, part of the folklore of strong womanhood.

What if perpetrators and victims had all been black? Some in the media would have promoted the heroism of the woman who lived to tell of the crime, but others would have stayed away from the story because such savagery reflects badly on blacks.

When blacks commit outrages against whites, media executives not only downplay black misbehavior but believe they must protect whites from "negative stereotypes" about blacks. If they must report such crimes, they are likely to link them to editorials calling for tolerance, and pointing out that the criminals were individuals, not a race. When whites commit outrages against blacks there are no such cautions; white society at large is to blame.

The Carr brothers' crimes were treated to a virtual media blackout. The *Chicago Tribune* and the *Washington Times* appear to be the only major non-Kansas dailies ever to mention the story. Their articles briefly described the facts of the case, and then focused on Internet discussions among whites who thought the Carr brothers were hate criminals. The Associated Press ran stories on the crimes, but they do not appear to have been picked up outside of Kansas. Within the state, the media dutifully promoted Mrs. Foulston's categorization of the crimes as "random." The networks, of course, were silent.

Were it not for the Internet, the Wichita story would have disappeared. It was only in chat-rooms and on web pages that the crimes had a national audience. Several sites, such as www.NewNation.org and www.JeffsArchive.com, have posted newspaper articles about the crimes. The main paper that

covered the case, the *Wichita Eagle*, stores older articles in a fee-charging archive, so these sites are virtually the only way the public can learn about the massacre.

It will be surprising if the trial itself gets national coverage. Kansas permits television in courtrooms, but so far, the Court TV cable channel shows little interest in the case despite e-mail requests to its website at www.CourtTV.com. The

She was on her hands and knees, and one of the Carr brothers was unzipping his pants. He laid a silver automatic pistol on the floor two feet away from her. She thought about making a grab for it but realized she had no idea how to operate a gun, and instead submitted to rape.

Wichita Eagle will probably offer restrained coverage.

The police and media reactions to these crimes—a refusal to think about race, draw larger conclusions, or even express outrage—are typical of today's whites, and in stark contrast to the sustained fury we could expect from blacks if the races were reversed.

Not even the acknowledged error that resulted in Reginald Carr's early release seems to upset many people. Bradley Heyka's father is angry, saying he is "appalled a mistake like this could lead to such severe consequences for so many people," but Aaron Sander's father is passive. "It is unfortunate this happened, but we have to learn to get past that and let those things go and get on with our life," he says. "We can't deal with how things should have been or could have been, we can only deal with today."

There were even more cloying sentiments at the funerals of the young victims. At Jason Befort's service on Dec. 21, 2000, Rev. James Diecker told the congregation their attitude towards the killers should be that of Jesus on the cross, when he said "Forgive them, Father, for they know not what they do." He went on to call for "a victory of love over hate . . . a victory of mercy over justice."

At Heather Muller's funeral, Rev. Matthew McGinness struck the same note, saying, "We must be like Christ, who forgave his enemies." He told the congregation Heather's mother felt the same way, and had told him, "Heather would want us to pray for her murderers, and Heather was probably praying for them at the moment of her death."

To what extent does this turn-the-other-cheek mentality explain why five whites failed to fight back against two attackers? Three of the whites were young men, surely capable of serious resistance, and there must have been several opportunities for it. When one of the Carrs was out at an ATM machine with a woman, it meant there were three white men in the house with a lone assailant. While the man was busy raping a woman, how difficult would it have been to overpower him?

At some point it must have become obvious the Carrs intended to kill all witnesses. They could have had nothing else in mind when they marched the group into the snow, and tried to stuff all five into the trunk of a car. There was no more money to be had from ATM machines. All that was left was to make sure no one could testify against them.

Why, therefore, did five young whites—men or women—kneel obediently in the snow to be shot one by one? Were their spirits completely broken from hours of humiliation? Were they so stiff from cold they could hardly move? Or had they simply been denatured by the anti-white zeitgeist of guilt that implies whites deserve whatever they get? One does not wish to think ill of the dead, but these three men showed little manliness.

It is worth noting that in the home of three young Kansas men there does not appear to have been a single firearm. No doubt these men believed what they have been told: that guns are nasty things, best left in the hands of the police, who will always be there to protect us. H.G., who is clearly a woman of great determination, testified that at one point, when she was on her hands and knees and one of the Carr brothers was unzipping his pants, he laid a silver automatic pistol on the floor two feet away from her. She thought about making a grab for it but realized she had no idea how to operate a gun, and instead submitted to rape and attempted murder. Had she known how to use a weapon, her four friends might be alive today.

As for the question of hate crimes, racially conscious whites would see bias charges as at least some level of official outrage at the shocking crimes committed by these two blacks against a series of exclusively white victims. It is natural for whites to assume that behavior so vicious and odious must have been driven by consuming hatred. Most whites cannot imagine treating another human being the way the Carrs treated their victims unless there were some terrible underlying animus. Moreover, it is probably safe to assume that if the races were reversed it could only have been a crime of racial hatred, and this is probably why so many whites are furious at

authorities who have been so quick to rule out bias.

However, it may be a mistake to project white sensibilities onto blacks. It may be that trial testimony or unsealed documents will show a clear racial motive, but it is also possible no evidence of racial hatred will ever come to light. It may also be that the Carr brothers are incapable of analyzing and describing their own motives with enough intelligence to make it possible for others to judge them.

The angry whites do not seem to realize that what happened on the night of Dec. 14 may be only a particularly brutal expression of the savagery that finds

daily expression in American crime statistics and African tribal wars. It may very well be that the Carr brothers are so depraved they can commit on a whim brutalities that whites can imagine only as the culmination of the most profound and sustained hatred. This view, along with whatever it may say about blacks as a group, is the one the Wichita authorities have tacitly endorsed—and they may be correct. It is a far darker view of the Carr brothers to assume that this is simply the way they are, that they can commit unspeakable acts without any special motivation, that the Wichita Massacre was nothing more than two black men on a tear that went wrong. **Q**

A Chronicle of Capitulation

Hugh Davis Graham, *Collision Course: The Strange Convergence of Affirmative Action and Immigration Policy in America*, Oxford University Press, 2002, \$30.00, 227 pp.

How we let in millions of non-whites—and then gave them preferences.

reviewed by John Harrison Sims

Future historians will wonder why a country that was democratic and overwhelmingly white voluntarily opened itself to massive non-white immigration. They will wonder even more why whites then offered immigrants racial preferences. Why, in other words, did a predominantly European nation commit suicide?

Hugh Davis Graham's *Collision Course* is an excellent place to begin a study of this question. The book clearly describes how non-European immigration and affirmative action became policy despite overwhelming opposition. What interests Professor Graham is the legal and political process by which all this happened, and three questions are central to his narrative: How did the immigration reforms of 1965 lead to a revival of mass immigration when this was apparently not the intent of the reformers? Why did the policy of affirmative action emerge so soon after the 1964 Civil Rights Act? Why did the federal government grant affirmative action—intended to redress the effects of decades of discrimination against blacks—to newly arrived immigrants?

Prof. Graham, who teaches history and political science at Vanderbilt Uni-

versity, does not write from a racial perspective. He does not oppose the dispossession of whites by non-whites, since he believes Third-World immigration has helped compensate "for falling



Hugh Graham.

birthrates after 1965." He does not understand the significance of the changes he describes, but his description of the political processes that brought them about is detailed and useful.

The Disaster of 1965

The Immigration and Naturalization Act of 1965 replaced the national origins quota system, enacted during the 1920s, with a system of visa preferences based on occupation and family connections. The 1921 and 1924 laws were

surely among the most patriotic and truly *conservative* legislation ever enacted by Congress. Their object was to reduce immigration and to preserve the existing ethnic and racial composition of the United States. Not only would America remain a white country, it would remain predominantly Northern and Western European. The 1924 law capped total immigration at 164,000 and limited annual arrivals from particular countries to three percent of the population of that nationality resident in the US in 1890. Thus, if Italian Americans made up two percent of the US population in 1890, immigration from Italy could be no more than two percent of the total. The law also banned all Asian immigration. In 1952, Congress lifted the Asian exclusion by passing the McCarran-Walter Act—a prelude to what was to follow. The justification was that abolishing the "Asian barred zone" would help win the Cold War, since the Soviets were making propaganda in the Third World about the exclusion.

The legislators who pushed the 1965 law assured the public that although they were dismantling the national origins system, the reform would produce neither a significant increase in immigration nor any alteration in the racial composition of the country. Such assurances were necessary because polls revealed that the public opposed such changes. Prof. Graham assures us that the reformers were sincere, and that the Third-World tsunami soon to roll over the

country was unintended and unexpected. Political/cultural elites simply thought the old quotas were “racist,” and had to go. Legislators were more concerned with demonstrating fashionable progressive values than in tracing out the logi-



Kept out until McCarran-Walter, 1952.

cal consequences of what they were doing.

Some groups, however, must have known what would happen. The most influential lobbying group was the American Immigration and Citizenship Council, an umbrella organization that represented Jewish, Catholic, liberal Protestant, and southern European ethnic associations, as well as the communist-leaning ACLU and CIO. Prof. Graham names Jewish leaders and organizations as the “most important,” and “the driving force at the core of this movement.” Voting in Congress closely followed the patterns of lobbying: “Every Jewish member of Congress in both chambers voted for it, as did all Catholics in the Senate and all but 3 (of 92) in the House.”

If Prof. Graham had looked at the sectional pattern of the vote he would have found that the chief opposition came from the South and the Mountain West, the two regions least affected by the mass immigration of the late nineteenth century. Old-stock Protestants living in those parts of the country relatively untouched by the previous wave of immigration wisely voted to keep their country as it was. The immigration reform of 1965 was therefore passed by the descendants of the “new” immigrants who came to America 50 to 80 years earlier. This means that even after half a century and a 40-year moratorium on new arrivals, these new arrivals had been only partially assimilated. Patrick Buchanan has often proposed a five-year moratorium on immigration to permit assimilation of the 35 million post-1965

immigrants. If 40 years was not enough for a largely European population, five years will have little effect on non-whites.

The 1965 reform capped annual immigration at 290,000 (170,000 for the eastern hemisphere and 120,000 for the western). Within these two quotas, visas would be awarded according to one of seven preferences (one refugee, two occupational, and four family preferences). These seemingly simple provisions set up the conditions for endless chain migrations from the Third World. First, professionals (doctors, scientists, and engineers), most of whom were educated in the West, applied for skilled occupational visas granting permanent residency. They could then request visas for their spouses and unmarried children. Refugees could do the same. Once our new residents became American citizens, they could get visas for their brothers and sisters. The brothers and sisters then repeated the process by requesting visas for *their* spouses and children. By the 1980s, the admissions of brothers and sisters of US citizens accounted for two-thirds of all family visas. This was the main form of chain migration.

It is important to remember that once an immigrant has American citizenship, he is entitled to bring in his wife, minor children, and parents automatically, and they do not count toward filling quotas. The result was that by the 1980s immigration *exempt* from the quotas was greater than immigration under the quotas themselves. For example, in 1985, the ceiling for immigration was 254,000 but total legal immigration was 570,000. Prof. Graham explains that immigration expansionists invoked family reunification as a mantra to disarm opponents. This defense was false and misleading, because “every act of immigrant admission in effect broke up a family and created a chain of potential ‘reunification’ claims.” If the goal was to keep families together, a better policy would have been to prevent Third-World immigration in the first place. And, of course, if their families are so important to them, immigrants can always go home.

At the same time, ever-larger numbers of foreigners were entering ille-

gally. Many millions, mostly Mexicans and other Central Americans, simply sneaked across the southern border. Others overstayed various temporary student or tourism visas, and the INS made only perfunctory efforts to find them.

Prof. Graham fails to point out that the refusal of the federal government to enforce immigration laws was, in effect, a policy decision common to every administration since Lyndon Johnson’s, to increase immigration beyond the legal limits. He also fails to explain the effect of granting automatic citizenship to children born on US soil even if their parents were here illegally. Since they were now parents of US citizens, they could not be deported. Their children had a legal right to attend school, and the family was eligible for welfare.

By the mid-1980s, the public was beginning to notice the country was filling up with foreigners, and that Mexicans were spreading everywhere. Congress responded by passing the Immigration and Refugee Control Act of 1986 (also known as the Simpson-Mazzoli Act). Despite the reassuring title, it *increased* immigration. The law had three major provisions: a “temporary” guest worker program, an amnesty for illegals who had lived in the country since 1982, and sanctions for employers of illegals. Because the public was opposed to amnesty, congressional supporters promised there would never be another, and that employer sanctions and guest worker programs would deter future illegal immigration. They were, to put it charitably, mistaken.

Prof. Graham argues that Congress deliberately vitiated employer sanctions by creating a new justice department agency—the Office of Special Counsel for Immigration Related Unfair Employment Practices—to prosecute and fine employers who “discriminated” against “foreign-looking” workers when verifying their legal status. Congress also required employers to accept any two of 30 possible documents (all easily obtained illegally) as proof of identification. The much-vaunted employer sanctions were a sham, and the government sent a coded message to the effect that it would look the other way if companies hired illegals.

Big business had wanted a pool of low-wage, docile, union-resistant immigrant labor, and Congress obliged. Virtually every major employer organization supported Simpson-Mazzoli: the

US Chamber of Commerce, the National Association of Manufacturers, the National Council of Agricultural Employers, the United Fruit and Vegetable Association, the National Restaurant Association, and the Associated Builders and Contractors.

Over the next ten years, no fewer than one million guest workers received legal residency, three million illegal aliens were amnestied, and two to three million illegals who had arrived *after* 1982 were also allowed to stay. Just as opponents of amnesty had predicted, illegals poured into the country, and employers rushed to hire them. The new influx was so great that by 2001, there were at least ten million illegals in the country, and the Bush administration was pushing for another amnesty.

If the 1980s were a decade of defeat, the 1990s were a rout. Only four years after Simpson-Mazzoli, Congress raised the legal ceiling from 500,000 to 700,000, created new “diversity visas” for people from “underrepresented countries,” and launched a new “temporary” worker program (H-1B) to issue 65,000 visas a year to high-tech workers. Polls continued to show the public wanted less immigration, but Congress gave it more. In 1998, it raised the annual number of H-1B visas to 115,000, and in 2000 increased the figure to 195,000. In late 2000, Congress passed, and President Clinton signed, a law granting permanent legal residency to 500,000 illegal aliens and refugees from El Salvador, Guatemala, Honduras, and Haiti.

Why does Congress continue to defy the will of the majority? Prof. Graham’s answer is that the coalition of interest groups in favor of immigration had grown so powerful by the 1990s that it could dictate policy. The left wing of the coalition included the same groups as in 1965—the ACLU, Jewish organizations, the US Catholic Conference, the National Council of Churches, Northern Democrats, the congressional Black Caucus—and had grown to include immigration lawyers, the AFL-CIO, the congressional Hispanic Caucus, and the new Arab, Asian, and Hispanic ethnic lobbies produced by the post-1965 immigration. Even the Sierra Club, the nation’s most powerful environmental lobby, joined the open-borders coalition after opposing immigration for decades.

The “right” wing of the coalition included the US Chamber of Commerce,

the National Association of Manufacturers, fruit and vegetable growers, the meat and poultry processing industry, the business press (especially the *Wall Street Journal*), conservative think tanks (Heritage, American Enterprise Institute), libertarian think tanks (CATO, the Foundation for Economic Education,) the Christian Coalition, and the Republican Party. In the face of all these and a hostile media as well, it is clear why groups like the Federation for American Immigration Reform and the American Immigration Control Foundation have had so little effect.

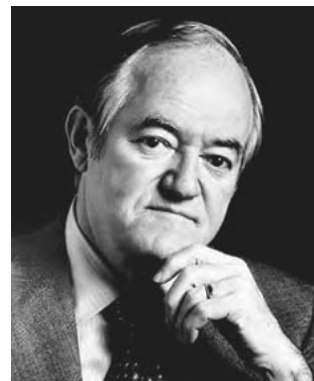
Business and the Republicans are now squarely on the side of more immigration. Not only have corporations funded the pro-immigration lobby, they have themselves lobbied to open the floodgates. Since the 1980s, every immigration expansion and amnesty has either been passed by a Republican Congress or signed by a Republican president. Corporations want more pliant workers, and many Republicans simply vote the way the Chamber of Commerce tells them. At the same time, Republicans crave respectability, and nothing so terrifies them as the cry of “racism.” When corporate interests and politically correct ideology converged in the 1980s, Republicans were quick to betray their white voter base.

The Civil Rights Revolution

Because so many post-1965 immigrants were non-white, immigration inevitably became caught up in the “civil rights” and preference debates. Still, Prof. Graham first wants to know how the civil rights movement, which he believes was about individual rights, equal opportunity, and color blindness, so quickly turned into demands for group rights and racial preferences. His account of how it happened is quite good.

The Civil Rights Act of 1964 was a revolutionary piece of legislation. It banned racial discrimination in all public accommodations (restaurants, hotels, etc.), in the workplace (in companies with 25 or more workers), and created the Equal Employment Opportunity Commission to root out discrimination. It was a huge expansion of government power that subjected private business and employment decisions to government scrutiny. Still, Section 703 (j) stated that the law did not require employers “to grant preferential treatment

to any individual or group on account of an imbalance which may exist with respect to the total number of or percentage of persons of any race, color, religion, sex, or national origin.” Supporters cited this language to deny charges that the law would lead to racial quotas. Sen. Hubert Humphrey dismissed such fears as a “bugaboo,” and vowed fa-



Hubert Humphrey: gave us “civil rights.”

mously to eat the pages of the civil rights bill “one after another” if there were ever quotas. Yet before the end of the decade, the federal government was pressuring private employers to adopt racial quotas (disguised as goals and timetables), and to give preferences to non-whites.

Prof. Graham is shocked that “the EEOC, which in adopting race-conscious remedies in the late 1960s, indisputably violated its own founding charter, Title VII, and got away with it.” He does not understand that the logic of quotas and preferential treatment was inherent in the act itself. The only way to be certain an employer was not discriminating was to count his employees and make sure there were enough non-whites. Because blacks were broadly less competent than whites, the only way to hire enough of them was to discriminate against whites.

This, of course, was not a publicly acceptable justification for preferences. The theory was that because of the lingering effects of past discrimination, it was unfair to expect minorities to compete equally with whites. Prof. Graham recognizes that preferences were a departure from the liberal ideals of color blindness, but he is far from displeased with the results.

As Prof. Graham points out, it was not Congress but the civil rights bureaucracy that started affirmative action, and did so before any theoretical justifications had even been proposed. In 1968, the Small Business Administration

(SBA) created the Section 8 (a) program to award grants and low-interest loans to “socially disadvantaged” persons, a euphemism for blacks and other non-whites. In the same year, the EEOC began to investigate businesses not just for overt discrimination but for “underutilization” or “underepresentation” of minorities.

The Office of Federal Contract Compliance at the Labor Department formulated what became known as “the Philadelphia Plan.” Federal contractors in Philadelphia had to take immediate steps to ensure that their work forces mirrored the proportion of minorities in the Phila-



Richard Nixon: gave us racial preferences.

delphia area, which was then 30 percent. Opponents of the Philadelphia Plan realized that if the program survived it would establish a precedent for proportional representation and preferential treatment for minorities. Public, congressional, and business opposition was so great that the Labor Department quickly withdrew the plan. However, President Nixon revived the program his first year in office, and used all his influence to fight off congressional attempts to kill it. It was thus Richard Nixon and the Republicans who saved the Philadelphia Plan, which became the model for all subsequent racial preferences.

The Nixon Labor Department quickly issued Order No. 4 requiring *all* federal contractors everywhere in the country to submit goals and timetables for minority hiring. It would not be long before the EEOC was requiring private businesses to do the same. Why did Nixon do this? Prof. Graham reports that he suffered from the same delusion that plagues all Republicans: He thought he could win the black vote in 1972.

Various forms of affirmative action could not have survived had the federal courts not upheld them. Although the Civil Rights Act of 1964 forbade preferential treatment on the basis of race, the courts disregarded this plain language and ruled frequently that race-conscious remedies were constitutional. Soon it was not enough for companies to prove they did not *intend* to discriminate; they had to avoid practices that had an “adverse” or “disparate impact” on non-whites. This principle was established by the 1971 Supreme Court case *Griggs v. Duke Power*, in which the Duke Power Company of North Carolina was forbidden to use IQ tests to evaluate management trainees because blacks got lower scores. IQ tests had a “disparate impact” and were therefore illegal. Employers soon learned that in order to convince the civil rights police they were not discriminating against blacks they had to discriminate against whites.

Prof. Graham appears to be shocked that preferences were then extended to non-white immigrants. After all, the theory of compensation that supposedly justified remedies for blacks did not apply to foreigners just arriving in the United States, but it didn’t take long for other non-whites to get in on the action. In 1967, the EEOC considered whether Asians should get preferences. At the time, the median family incomes of Japanese- and Chinese-Americans were well above the national average, so the EEOC chairman decided they should not. All the same, he reclassified Asians as a protected class for fear of pressure from Asian-American interest groups and the press. Needless to say, there was no press or interest group pressure to protest this additional discrimination against whites.

In 1978, when Congress passed the Small Business Investment Act, which for the first time provided a legal basis for the SBA’s 8(a) preferences program, it left Asians out of its definition of the “socially disadvantaged.” Asian groups pressured the SBA for re-inclusion, and within a year, the SBA not only reinstated Chinese and Japanese but included newly-arrived Oriental immigrants such as Vietnamese, Koreans, Laotians, Cambodians, and Taiwanese.

As immigration continued to grow, both in numbers and variety during the 1980s, more groups lobbied to become government-recognized minorities.

Hasidic Jews (1979) and Iranians (1989) were turned down on the grounds they were white, but East Indians, Pakistanis, Bangladeshis (1982), and Indonesians (1989) joined the Asian category.

All this was a natural outgrowth of the revolutionary 1964-65 legislation. Since the 1964 law said discrimination was unlawful on the grounds of “race, color, religion, sex, or national origin,”—and this was the basis for establishing protected classes—all non-white immigrants could be protected. At the same time, the civil rights bureaucracy created in the 1960s had the incentive of all government bureaucracies to expand, so it was natural for it to extend programs to newly-arrived immigrants. Third, the same apathy, lack of white racial consciousness, and white guilt that kept whites from mounting any real resistance to black affirmative action led to acceptance of the same preferences for other non-whites. Whites preferred not even to notice that immigrants were getting affirmative action.

Of course, by this time, racial preferences had a new justification. It hardly made sense to claim that young blacks—who had lived their entire lives in the age of affirmative action—deserved preferences to make up for past discrimination. The new theory that emerged in the late 1980s was that universities and corporations would benefit from the mere presence of non-whites. This “diversity” justification could also serve to explain why Cambodians and Guatemalans deserved preferences over whites (see the article on diversity on p. 12).

Prof. Graham’s book explains how absurdities of this kind come into being: The bureaucracy, judges, corporations, and interest groups have far more political power than the general public, and when the four act together, as they have on immigration and affirmative action, they can ignore the majority. Prof. Graham ably discusses how “iron-triangles,” composed of federal agencies, interest groups, and congressional committees, have largely made government policy. When the public has tried to roll back racial preferences by legal challenge or popular referendum, federal courts have stepped in to protect them, as happened in California during the 1990s.

These racial policies are prime examples of a “democratic” country flouting the will of the people. Neither mass non-white immigration nor government-

imposed preferences for blacks and immigrants has ever enjoyed majority support, nor have political leaders ever been open about the full reality of these two policies. There has not been a single national referendum or election campaign that has centered on these issues. When affirmative action and forced integration *have* crept into a campaign, the public verdict has been negative.

The votes for Nixon in 1968 and 1972 were, at least in part, against school busing, but in return the public got busing *and* affirmative action. The vote in 1980 for Ronald Reagan was, at least in part, a vote against affirmative action, but Republicans have taken every opportunity to betray whites. President Reagan could have significantly reduced federal affirmative action and “civil rights” enforcement but did not. President George Bush went on to sign the Civil Rights Act of 1991, which finally gave legislative sanction to the pernicious theory of “disparate impact.” Newt Gingrich’s 1994 Contract with America ignored immigration and affirmative action. Colin Powell even endorsed racial pref-

erences to great applause at the 2000 Republican convention.

Corporations have been as destructive as the Republicans. They have funded non-white, anti-majority pressure groups (including La Raza, MALDEF, LULAC, NAACP, and PUSH), lobbied the Reagan administration *not* to scale back affirmative action, embraced the new “diversity” rationale for preferences, and groveled to black and Hispanic shakedown artists.

Needless to say, Prof. Graham does not grasp the deeper cause of the racial revolution his book describes—the inability of whites to think in racial terms or to believe they have a right to defend their country from invasion. And because he cannot understand the aggressive racial consciousness of non-whites, he cannot see the larger pattern of events. He is shocked that the non-discrimination movement of the 1960s grew so quickly into one of blatant racial preferences, and is baffled that non-white immigrants demanded the same preferences. There is no mystery here. For blacks, whose racial hatreds have

been fed for decades on liberal anti-white propaganda, preferences were just another advantage to be wrested from demoralized whites. Preferences need never end, and if they can be supplemented with reparations for slavery or anything else that comes to mind, so much the better. Like most whites, Prof. Graham does not understand that blacks seek advantage and gain, not justice.

Other racial groups behave the same way. If the white majority can be made to discriminate against its own children in favor of non-whites just off the boat, immigrants are delighted to reap the benefits. Preferences for foreigners are just one more example of what happens when whites lose any conception of their legitimate group interests.

The political details of how capitulation takes place are interesting and instructive, and Prof. Graham describes them ably, but without grasping what is at stake. He is like a scientist studying a beast of prey—without realizing that he himself is its favorite food. **Ω**

John Sims lives in St. Louis, Missouri.

Matt Bruno Wins the Dashes

Whites find they care about race after all.

by Roger D. McGrath

The first of June saw 10,751 fans pack the stands at Cerritos College in Norwalk for this year’s California high school track and field championships. Probably a quarter of those in attendance were black. For the last 30 years black sprinters have dominated the dashes, and black fans came to the finals expecting more of the same. Matt Bruno, a 5’ 9” 165-pound senior from Trabuco Hills High School in south Orange County, was the only runner capable of reversing the trend. During the season he had been undefeated in the 100 meters and nearly so in the 200 meters, losing narrowly twice: once when recovering from an injury and a second time after staying out late at night.

Black fans were noticeably worried about the white sprinter from Orange

County. He had won his heats the day before, and had recorded the day’s fastest time in the 100 at 10.40 and the second fastest in the 200 at 21.02. He was assigned lane five, the premier position, for the 100 meter final. As the runners



The finish of the 100 meters.

took their lanes and began positioning their starting blocks, the tension in the stands mounted. A runner took a practice start. Then another sped out of the blocks. Several more did the same. Then Mr. Bruno exploded from the blocks

with such quickness that the crowd began buzzing. A black spectator, referring to Mr. Bruno’s well defined, muscular legs, exclaimed, “That boy’s ripped!” Everyone, black or white, seemed to be thinking, “Can the white kid do it?”

The black runners appeared relaxed and confident after completing their practice starts. They chatted amiably with each other, punctuating their conversations with a hand or arm gesture. Mr. Bruno, his jaw clenched, paced back and forth by his blocks. A fan commented, “He looks like a caged tiger.” When the starter called the runners to their marks, Mr. Bruno clearly stood out. To his left were four black sprinters. To his right were four more. His brown hair, blue eyes, and very fair skin only made the contrast sharper.

When the gun went off, Mr. Bruno burst out of the blocks into an immediate lead. At the 50-meter mark he was two meters ahead of the pack, his knees high, accelerating into a headwind. A huge roar rose from the spectators and continued as Bruno raced down the track

and hit the tape well ahead of his nearest competitor. People were now standing on the bench seats, yelling, stamping their feet, and applauding. When the new state champion made his way back past the grandstands to collect his sweats, a group of friends began chanting, "Bruuu . . . no . . . Bruuu . . . no . . . Bruuu . . . no." The crowd joined in and the stadium rocked. At least most of it rocked. Black spectators were conspicuously subdued. Some appeared sullen. If white spectators had behaved in a similar manner in the face of a black victory, the scene probably would have been featured on the nightly news with the headline, "Racist Reaction."


Although Mr. Bruno was well off his best time, his 10.55 into the wind was two tenths of a second better than second place, a stunning margin of victory in California state finals. Speculation now focused on how he would do, with his short, powerful legs, in the longer 200 meters, which favors a long, flowing stride. By the time the runners were taking their marks, fifty minutes later, black spectators had recovered some-

what from the shock of the white sprinter not just winning but demolishing the field in the 100. Many black fans were now loudly voicing support for their favorites in the 200, one or another of the black sprinters.

The start of the 200 looked like a replay of the 100. Mr. Bruno blew out of the blocks and made up the stagger on two of the runners on the curve to his outside before the race was more than 20 meters old. Another 20 meters and he caught the remaining two runners who had a stagger advantage. Those runners on his inside, meanwhile, had gained little ground. Coming off the turn, Mr. Bruno had a solid lead. The crowd was again roaring. Could he hold the lead all the way to the tape? One black sprinter in the middle of the straight closed to within a couple of meters but then could gain no more. Mr. Bruno won in a 20.82, the fourth fastest prep time in the nation this year. Second place was more than a tenth behind and third place more than three tenths.

Again the white fans roared their approval and again the black fans were

uncharacteristically quiet. Blacks are not afraid to express their support for black athletes and even proclaim racial solidarity with their black brothers. Whites, on the other hand, have been conditioned over the last several decades to suppress, at least in public, the same natural feeling—an affinity for people who look, sound, and act like themselves. The eruption of cheers and thunderous applause for Mr. Bruno suggests that the warped attempt at conditioning whites to behave in an unnatural, and ultimately self-destructive, manner has not entirely succeeded. White fans saw a kid who looked like their son, or brother, or how they remembered themselves in high school—and they roared.

With his victories Matt Bruno became the first white sprinter to win both dashes at the state track championships since the legendary Forrest Beatty did so as a 16-year-old junior in 1961. Mr. Bruno, a fine student as well as an outstanding athlete, has accepted a track scholarship to attend UCLA. 

Mr. McGrath was a spectator at the championships.

Racial Preferences Survive in Michigan

Dishonest 'diversity' arguments win the day.

by Stephen Kershner

The proponents of preferential treatment won a big legal battle on May 14th, in the case of *Grutter v. Bollinger*. The Sixth Circuit Court of Appeals ruled that racial diversity of the student body is such an important goal that the University of Michigan Law School is justified in discriminating against whites.

In order to understand this ruling it is helpful to review the US Supreme Court's decision in *Regents of University of California v. Bakke*. The court has not revisited the question of racial preferences in university admissions since this ambiguous split-decision of 1978, and *Bakke* certainly shaped the *Grutter* decision. In *Bakke*, the Supreme Court took up the preferential treatment program used by the University of California-Davis Medical School. With 3,000 applicants for only 100 slots, there was

a great deal of competition to get into the school, which set aside 16 slots for minorities. Alan Bakke, a white man who was rejected for admission, sued, claiming that the admission of less-qualified minorities violated the Equal

Real diversity would have favored admitting Marxists, fundamentalist Christians, Afghans, convicts, primitive tribesmen, and transsexuals.

Protection Clause of the Constitution and Title VI of the 1964 Civil Rights Act.

The Supreme Court split into three blocs. A liberal bloc of four held that the Constitution and Title VI permit "benign" quotas. A second bloc of four held that the program was illegal since it violated Title VI's plain language forbidding racial discrimination. This left the late Justice Lewis Powell with the decisive vote, and his reasoning is frequently

cited in support of the constitutionality of preferences. He argued that racially discriminatory policies should receive "strict scrutiny," a test that requires that the state's reason for discrimination be a compelling one, and that any discriminatory policy be "narrowly tailored" to achieve its goals. Powell argued that because racial diversity contributes to a student's education, it is a compelling state goal, and race may therefore be considered as a plus factor for minority applicants.

However, he then determined that Davis's quota system was not narrowly tailored to this goal since it did not give applicants "individual attention." By this he meant that diversity should have been considered as one of many factors in a system in which all candidates competed for all available slots. Individual consideration of applicants would take into account each one's combined attributes, which would include such things as compassion, a history of overcoming disadvantage, and an ability to communicate with the poor. The Davis system failed the "narrowly tailored"

part of the strict scrutiny test by holding open a certain number of slots for non-whites only. Along the way, Powell rejected the argument that preferential treatment was justified as a means to correct past injustices, holding that such an argument required a specific showing of past injustices by the institution practicing the preferences.

In *Grutter*, the University of Michigan Law School, one of the best in the country, had adopted a system that gave significant preferences to blacks, Hispanics, and American Indians. In effect, the school automatically admitted minorities with grades and Law School Aptitude Test (LSAT) scores that for whites and Asians almost always meant rejection. For candidates with the same LSAT scores, for example, minorities with a high B or low C average were let in at the same rate as whites with an A average. A middle-range applicant with an LSAT score of 164-166 and a GPA of 3.25-3.49 had a 100 percent chance of being admitted if he were black or Hispanic; a 22 percent if he were white or Asian. The law school admitted that three out of four minority students would not have gotten in if applications were colorblind.

The majority in *Grutter* found this policy constitutional. It said the policy followed Powell's guidelines, in that educational diversity is a compelling state goal, and that Michigan's system was narrowly tailored to achieve this goal since it gave applicants individualized consideration.

The dissenters in *Grutter* attacked the majority's argument on several grounds. They rejected the notion that Powell's guidelines were binding, first, because they did not receive the support of a majority of justices in either the *Bakke* or later Supreme Court cases relating to affirmative action, and second, because the guidelines were not essential to Powell's argument in support of Mr. Bakke's claim. They then argued that diversity is not a compelling state interest. They noted that if the university really wanted diversity it would discriminate against vastly overrepresented groups, such as Jews, and systematically favor people with genuinely unusual experiences, such as professional jazz musicians.

The dissenters wrote that Michigan's admissions system was not narrowly tailored to achieve diversity, arguing that such an attempt would have to take into

account how much diversity any one individual might contribute. For instance, they noted that the school gave preference to a black graduate of Choate and Harvard over a poor, rural white applicant, and questioned whether the black really contributed more to campus diversity. Michigan appeared to be



University of Michigan Law School.

assuming that any minority applicant would make a great contribution to diversity while white applicants would make little or no contribution. This suspicion was supported by the fact that despite its claim to the contrary, Michigan appeared to be using a quota system. For example, between 1995 and 1998, the last four years for which data were available, the law school enrolled minorities at a rate of 13.5 to 13.7% of the class.

Dissenting Judge Danny Boggs also argued that the court had avoided standard judicial procedure, and implied that this was an attempt to rig the outcome. In particular, he asserted that Chief Judge Boyce Martin, a Carter appointee, had bypassed the standard random-selection of judges and assigned himself to the three-judge panel that would hear the parties' motions. The result of one of these motions was temporarily to block the lower court's decision against Michigan's program. The Chief Judge also delayed telling the court's other judges that the university had petitioned for a full-court review, until after two Republican-appointed judges had withdrawn from active service and could therefore no longer participate in the review.

Judge Karen Nelson Moore, who concurred in the ruling, sharply attacked Judge Boggs's procedural critique. She

wrote that the Chief Judge's procedure was routine given the understaffing of the Sixth Circuit and its heavy case load. From the decisions themselves it is impossible to tell who is right, though Judge Moore did not dispute the point that the Chief Judge had deviated from the court's formal procedures.

There is now a clear split in the federal appellate courts. The Ninth and Sixth Circuits have held that they are bound by *Bakke* and that preferential treatment is constitutional. The Fifth Circuit has ruled that preferences are not constitutional. The Eleventh Circuit ducked the issue of whether diversity is a compelling interest but held that even if it is, race may not be considered as the only thing that contributes to it. This split will almost undoubtedly force the Supreme Court to face this issue.

Diversity or Uniformity?

The diversity argument is obviously a sham. As the dissent pointed out, the law school was really protecting slots for blacks, Hispanics, and American Indians rather than seeking true diversity of intellect or experience. Real diversity would have favored admitting Marxists, fundamentalist Christians, Afghans, convicts, primitive tribesmen, and transsexuals since they are likely to have ideas and experiences sharply different from those of white students who recently graduated near the top of their Ivy League classes. Instead, the law school recruited minority students who often have the same experiences and even ideas as upper-class whites.

But if we accept the view that blacks, Hispanics, and American Indians offer the classroom something so valuable it justifies racial discrimination against whites, what might that be? First, minorities might help whites understand what they think (such as why blacks overwhelmingly vote Democratic, favor big government, want reparations for slavery, etc.). Second, they might get other members of the class to adopt their beliefs. Third, they might have a special perspective on the subject matter unrelated to these beliefs (such as intricate questions of corporate law or how the court's procedural rules should work). The third justification is doubtful. It is hard to see what unique insights minorities are likely to have on substantive issues of law. In fact, given their significantly lower qualifications, one

would expect them to contribute less than the whites who would otherwise have taken their slots.

At the same time, the value of learning about or adopting a group's beliefs depends at least in part on whether those beliefs are true. Law schools do not give diversity preference to conspiracy theorists, fundamentalist Christians, or white separatists because admissions officers do not think what they believe is true. Therefore, even if admissions officers really were considering the diversity value of what blacks and Hispanics actually think, rather than using the diversity argument simply as a cover for out-and-out racial preferences, they would still be promoting a particular set of views. Needless to say, these are likely

to be the very views held and promoted by admissions officers and faculty, so what are called diversity campaigns are really programs to promote certain ideas.

We can imagine three points of view minorities might contribute to a law school, specifically. First, justice should be concerned with bringing about equality. Second, certain minorities have been denied claims to equality. Third, the government has a far-reaching mandate to combat this injustice.

However, if we view these beliefs as controversial and not obviously worthy of promotion (which is how admissions officers view the beliefs of Christians and conservatives), the case for this kind of "diversity" weakens. I suspect oppo-

nents of preferential treatment and diversity promotion have failed to make this argument against the idea of learning from the oppressed because most of them accept all three of the above points. Why else would "conservatives" support laws that ban discrimination against minorities, women, and disabled people? Having adopted the very positions non-whites are likely to hold, they have disarmed themselves in the face of those who want to promote "diversity." "Conservatives" may oppose outright discrimination against whites, but the ideas that this discrimination encourages on campuses are ones with which they already agree. **Ω**

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O Tempora, O Mores!

Indian Takers

Back in March, the US Department of Agriculture tried to bully the West Virginia 4-H into dropping all Indian references in its programs for children. It said it was investigating whether using Indian names constituted racial discrimination that barred the West Virginia program from receiving its annual \$4.5 million in federal support. The department kindly produced two Indian activists to explain just how awful it was to divide children into "tribes" and to call their meetings "powwows." On March 22, West Virginia's local 4-H chapter leaders announced they would do away with all Indian names and traditions. People who had been in 4-H as children were outraged, and President David Hardesty of West Virginia University, who has official authority over the program, overruled them. For the time being, 4-H in his state will remain unchanged, but Mr. Hardesty could well overrule himself if the federal investigation eventually concludes that tribes and powwows are "racist."

In the meantime, the threat has worked elsewhere. 4-H representatives from Virginia sat in on the brow-beating in West Virginia and decided they didn't want to wait for the results of a federal investigation. Now children who



used to be divided into tribes of Mataponi, Monacan, Pamunkey and Cherokee—all Indians native to Virginia—will be Eagles, Snakes, Deer, Bobcats, and Owls. Powwows for the nine- to 13-year-olds are now "cave meetings," the "great chief" is now the "great bear," and the campfire, which used to be the "great light," is now the "sacred light." An important 4-H camp in Front Royal, Virginia, still has a large, white teepee standing behind the administration building, and 4-H has decided to risk continuing to use it as the classroom for Native American Arts and Traditions. [Jon War, Virginia 4-H Yields, Washington Times, June 28, 2002, p. B1.]

The usual argument is that Indian names and mascots demean Indians. Oddly, when Southern schools use Confederate mascots, that glorifies the rebels, so that, too, must be banned. If mascots are demeaning and America is hopelessly "racist," why do no schools ever call their teams "the Darkies" or "the Nig-nogs," and no youth camps ever divide children into tribes of Hottentots and Ubangis?

Zim Going Dark

At midnight, June 24, about 3,000 white farmers in Zimbabwe officially became criminals if they continued to

work their land. This was the deadline Robert Mugabe's government gave them to stop work, in preparation for complete evacuation of their farms by August eighth. If the government enforces the evacuation, about 95 percent of the country's white farmers will have been thrown off their land.

Many farmers started packing up, but others kept working. Dairymen pointed out that cows had to be milked or would sicken and die. Even in the face of threats of a two-year prison sentence for continued farm work they refuse to neglect their animals—even though they will lose them when they leave the land. Other farmers continued working because they would not let food rot in the fields in a country facing famine. The UN estimates half the country's 12.5 million people face starvation because of bad weather and the land seizures. Zimbabwe used to be a major food exporter but will subsist next year on food aid, much of it from the United States.

There are shortages of many staples. Mr. Mugabe routinely accuses Britain, white farmers, and multinationals of deliberately trying to starve the country. In a speech on June 30, he said Zimbabwe's largest food production company was keeping salt off the market: "I want to say this to National Foods. We want them to come out in the open and tell this nation why they have been hoarding salt. . . . If not we will take over their enterprises." A National

Zimbabwe's Agriculture Minister Joseph Made says the food crisis has nothing to do with putting commercial farmers out of business. He says whites, who make up one percent of the population, have fomented a crisis in an attempt to take power. Meanwhile, the European Union has expressed concern—though not about ethnic cleansing. The “haphazard redistribution of property,” it observed, “could worsen the impending [food] crisis.” [Michael Hartnack, *Zimbabwe Emphasizes Farm Order*, AP, June 27, 2002. *White Zimbabwean Farmers Protest Order to Stop Working*, New York Times, June 26, 2002. Angus Shaw, *Zimbabwe White Farmers Stop Working*, AP, June 25, 2002.]

Third-World asylum seekers in Britain have found a new loophole that lets them stay in the country. If they have a disease that cannot be adequately treated in their own countries the European Convention on Human Rights says they must stay. Such diseases include tuberculosis, Ebola, and, of course, AIDS.

Retroviral drug treatments for HIV carriers in Britain cost close to \$20,000 a year. When the disease advances to full-blown AIDS it can cost many times that. Heterosexual AIDS is on the rise in Britain, with 1,819 cases diagnosed last year. People like Miss Mwakitosi are the main cause; 71 percent of the cases were found in Africans.

[illegible]

In the first quarter of 1992, the 15 most common surnames of people buying houses in the nine-county San Francisco Bay area were, in the following order: Wong, Lee, Smith, Nguyen, Chan, Johnson, Chen, Miller, Brown, Tran, Anderson, Davis, Williams, Jones, and Martin. That was six Asian names and nine “Anglo” names, though the top two were Asian (a few of the Lees may have been white).

rial Day, a drug store chain and a medical insurance company gave out free passes, and 15,000 people came for free. Many of the blacks misbehaved. A large number smuggled in beer and malt liquor despite a ban on alcohol, and littered the grounds with trash. People urinated in public, trampled flower beds, tried to feed the animals, and deliberately plugged toilets. Parents dangled small children over the railings around the bear and lion pens despite clearly posted danger warnings. People threw garbage and even a baseball bat into the enclosures of the large animals, and someone started a grass fire in front of the outdoor lion and tiger exhibit. In a special enclosure where visitors can walk among uncaged birds, people bent down the branches and let them fly up, throwing the birds off

They grinned and waved as the jury delivered its verdict, and two got into a scuffle that stopped only when a court officer put one in a headlock. All four mugged and carried on throughout the trial. Two of the Lebanese have already been convicted in a similar gang rape of two white girls.

Last year, gang rapes of white girls by Middle-Eastern men became something of a scandal in Australia (see AR, Sept. and Oct., 2001). When Judge Michael Finnane sent the case to the jury he warned against racial considerations of any kind: "You have to put aside any view that you might have . . . about Muslims, either favorable or unfavorable," he said. The jury, he said, was "not trying a class of persons or a race." [Sarah Crichton, *Gang Rapists Smile as Guilty Verdict Delivered*, The Age (Sydney, Australia), June 8, 2002.]

Maine Too White

The people of Maine have long worried that the state is losing population and that young people go out of state to college and never come back. Jim Tierney, who was the state's attorney general for 10 years, thinks he knows what the problem is: The state is too



Only white men on the state seal.

white. "Many of our best Maine kids move away—perhaps for education or perhaps for work—and find a level of energy and excitement in places where diversity is the rule and not the exception," he says. "And they like it." He thinks the diversity of non-white immigration will save the state:

"Both liberals and conservatives view diversity the same way. Liberals see it as, 'We have to help these people.' Conservatives see it as 'We can't afford to

help these people.' What I'm saying is, guys, you're looking at it the wrong way. This is not a burden. This is essential. This is an opportunity. In fact, maybe it's more than just an opportunity." [Bill Nemitz, *State's Future Looks Brighter With More Color*, Portland (Maine) Press Herald, May 12, 2002.]

Polling Mexicans

According to a Zogby poll taken in Mexico and released June 11, 58 percent of Mexicans believe the southwestern United States rightfully belongs to them, and 57 percent believe they have the right to cross the border without US government permission. In a poll taken in the United States, Zogby found that 68 percent of Americans think the US military should patrol the border. Sixty-five percent oppose amnesty for illegal aliens, and 58 percent believe the US should cut back the number of legal immigrants. Americans for Immigration Control Inc. commissioned the poll, which was conducted in Mexico and the US in late May. [Poll: US-Mexico Border Opinions Differ, UPI, June 12, 2002]

Send in the Troops

Despite the poll numbers cited above, President Bush and Homeland Security Director Ridge refuse to consider using troops to guard the borders. In early June, Gov. Ridge told lawmakers the White House opposed this for "cultural and historical" reasons. "I want an explanation of these 'cultural and historical' reasons why we can't protect our nation's borders," says Rep. Tom Tancredo, Colorado Republican and chairman of the congressional immigration reform caucus. Rep. Tancredo angered the White House when he criticized the president's "open door" immigration policy last April. Presidential advisor Karl Rove told Rep. Tancredo never to "darken the door" of the White House again.

Lawmakers who want troops on the border cite a report by the Center for Immigration Studies in Washington that says more than 481,000 immigrants have entered the United States illegally since September 11. A spokesman for Majority Leader Dick Armey (R-Tex.) says proposed reforms of the INS and border patrol "will give agents the tools they need" to improve border security. Not so, says William King, a retired

Border Patrol chief agent. Mr. King believes it will take at least 20,000 soldiers to secure the borders. "What's mind-blowing to me," he says, "is that many of our troops are currently guarding borders and protecting the sovereignty of other nations while our own borders are incredibly in total disarray, wide open to any criminal activity imaginable," [Dave Boyer, *Troops for Border Sought*, Washington Times, June 19, 2002.]

Oops

Odeline Caroline Monestime, a 21-year-old black woman was struggling to come up with the \$700 a month she needed to make the car and insurance payments on her 1997 Toyota Camry. A man who helped her fix a flat tire suggested she just burn the car, so early in the morning of May 6, Miss Monestime poured gasoline over the interior. She tried to light matches, but couldn't get one to strike. She then went back to her house to get a piece of paper to burn. In the meantime, fumes built up inside the car. As she came back to the car, the fumes ignited and the car exploded. Fire destroyed the Camry and two other nearby cars, and Miss Monestime was burned over 60 percent of her body.

From her hospital bed, Miss Monestime told the police that two men had tried to rob her, then put her in the car and set it on fire. When investigators determined that the evidence did not match her story, she admitted the arson. Police say they will not file charges against her. [Luisa Yanez, *Cops: Woman Lied, Set Self Afire*, Herald (Miami), June 5, 2002.]

Cuis Custodiet

The INS has something called the Transit Without Visa program, which allows foreigners to enter without a visa if they are flying on to third countries. Airport security is supposed to make sure they do not leave the airport. On June 10, federal authorities filed charges against an INS inspector, two airport security personnel, and two others for smuggling illegal Filipinos in through Los Angeles Airport. Maximiano Ramos, 53, an INS shift supervisor, and the other four arranged to meet the Filipinos on arriving flights and escorted them past airport security. [Kate Berry, *Airport Worker Arrested for Smuggling*, AP, June 12, 2002]